

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

BENJAMIN BEAN,)	
)	
PLAINTIFF)	
)	
v.)	CIVIL No. 1:13-cv-196-DBH
)	
)	
PATRICIA BARNHART, ET AL.,)	
)	
DEFENDANTS)	

REPORT OF PRE-FILING CONFERENCE UNDER LOCAL RULE 56

A Local Rule 56 pre-filing conference was held on October 24, 2013.

The defendants Patricia Barnhart and Joseph Ponte plan to file a motion for summary judgment on Count I of the plaintiff's two-count complaint based on his failure to exhaust his administrative remedies under the Prison Litigation Reform Act. In Count I the plaintiff alleges that he was assaulted by another prisoner in May 2012 because the defendants were deliberately indifferent to his health and safety. The parties indicated that there was agreement on many of the facts related to the assault, but that they disagree on whether the plaintiff had access to a prison grievance form in order to timely file the grievance under the prison policy.

The following deadlines were established by agreement:

By November 1, 2013, the plaintiff's counsel will provide the defendants' counsel with an affidavit from the plaintiff on the issue of his access to the

prison grievance form after the assault or notify the defendants' counsel that no affidavit will be submitted by the plaintiff on that issue for purposes of summary judgment.

By November 8, 2013, the defendants will file their motion for summary judgment or notify the Clerk's Office that no motion will be filed.

The parties' response and reply shall be filed pursuant to Local Rule 7.

So ORDERED.

DATED THIS 28TH DAY OF OCTOBER, 2013

/s/D. BROCK HORNBY

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE